

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>99 P 2010 P</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/SE00/01306</b>	International filing date (day/month/year) <b>19/06/2000</b>	Priority date (day/month/year) <b>09/07/1999</b>
International Patent Classification (IPC) or national classification and IPC <b>A61N1/362</b>		
Applicant <b>ST. JUDE MEDICAL AB</b>		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 4 sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of    sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the report</li> <li>II   <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V    <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI   <input type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand  <b>04/12/2000</b>	Date of completion of this report  <b>20.07.2001</b>
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office              D-80298 Munich              Tel. +49 89 2399 - 0 Tx: 523656 epmu d              Fax: +49 89 2399 - 4465           </div> </div>	Authorized officer  <b>Wetzig, T</b>



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/SE00/01306

## I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-10 as published

Claims, No.:

1-9 as published

Drawings, sheets:

1/2-2/2 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-9
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-9
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

- 2. Citations and explanations**  
**see separate sheet**

1. In this report reference is made to the following document:

D1....US-A-5 340 361

ad V:

1. Document D1, which is considered to represent the most relevant prior art, discloses an implantable heart stimulator comprising an AV-interval generator adapted to generate a variable AV-interval.

Claim 1 differs in the following:

**The basic predetermined AV-interval is changed if the number of times the AV-interval is changed during a predetermined time period is greater than a predetermined value.**

None of the documents cited in the international search report discloses a device comprising this feature.

Therefore, the subject-matter of claim 1 is considered as novel (Article 33(2) PCT).

2. The subject-matter of claim 1 is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The change of the basic predetermined AV-interval as defined in present claim 1 may avoid constantly changing AV-intervals. Thus, the device defined in claim 1 may improve the feeling of the patient.

3. Claims 2-9 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.